



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,509	03/11/2004	Samuel A. Massey	200312726-1	6401

22879 7590 03/26/2009
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

NGUYEN, LAMSON D

ART UNIT	PAPER NUMBER
----------	--------------

2861

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/26/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Office Action Summary	Application No. 10/798,509	Applicant(s) MASSEY, SAMUEL A.	
	Examiner Lamson D. Nguyen	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment dated 11/24/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-36, 38, 40-46 and 50-55 is/are pending in the application.
- 4a) Of the above claim(s) 28-36, 38, 40-46 and 52 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54 and 55 is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-14, 50, 51 and 53 is/are rejected.
- 7) ☒ Claim(s) 8-9, 15-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of claim 7 is withdrawn in view of the newly discovered reference(s) to Meyer (6,239,817). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In claim 11, it is not clear how a continuous segment would have a second width. It is not clear what this second width is to the first continuous segment.
- In claim 53, it is not clear how a first channel and a second channel are related to the printhead. It is not clear where physically they are.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hotomi et al. (6,305,791).

Hotomi et al teaches a printer comprising:

Claim 1:

- a printhead along a media path having a first width (figure 1, head 3 scanning across medium 2)
- a structure having an edge extending across a majority of the first width of the media path (figure 1, plate 11 extending across the medium), wherein the edge of the structure has a first continuous segment extending along a first portion of the first width of the media width (figure 1, plate 11 having two straight widths at both ends, and spaced apart from each other) and a second continuous segment spaced from the first continuous segment extending along a second portion of the first width of the media path (figure 1, plate 11 having two straight widths at both ends, and the widths are spaced apart from each other)

Art Unit: 2861

Claims 1-7, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer (6,239,817).

Meyer teaches a printer comprising:

Claim 1:

- a printhead along a media path having a first width (figure 7, head 126)
- a structure having an edge extending across a majority of the first width of the media path (figure 3, platen 30 extending across the medium), wherein the edge of the structure has a first continuous segment extending along a first portion of the first width of the media width (figure 3, platen 30 has edges or distances spaced from each other by members 85-88) and a second continuous segment spaced from the first continuous segment extending along a second portion of the first width of the media path (figure 3, platen 30 has edges or distances spaced from each other by members 85-88).

Claim 2:

- an ink recipient extending across the media path (figure 3, platen 30 having an ink cavity)

Claim 3:

- ink recipient includes an ink receiving cavity (figure 3, platen including an ink cavity)

Claim 4:

- an ink absorbent material within the ink receiving cavity (figure 7, ink absorbent 40)

Claim 5:

- wherein the edge extends substantially across the media path (figure 3, platen 30 extending across the paper medium)

Claim 6:

- wherein the edge extends perpendicular to the media path (figure 3)

Claim 7:

- a tapered surface adjacent the edge and configured to lift a leading edge of a medium (figure 4B).

Claim 12:

- wherein the edge has a second continuous segment spaced from the first segment (figure 3, platen has edge having widths spaced apart by members 85-88)

Art Unit: 2861

Claim 50:

- wherein the edge is configured to contact an underside of a supported medium (figure 4b)

Claim 51:

- wherein the edge is configured to contact the underside of the supported medium at a location opposite a portion of a top side of the supported medium as the portion is being printed upon by the printhead (figure 4b)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer.

Meyer teaches all claimed features except the first segment and the second segment are spaced apart by about 6 millimeters and 4 millimeters. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention of Nojima to make the first segment to be spaced apart from the second segment by 6 millimeter and 4 millimeters for the

Art Unit: 2861

purpose of accommodating an ink absorbent, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d s7s, 205 USPQ 215 (CCPA 1980).

Allowable Subject Matter

Claims 8-9, 15-27, and 50-51 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 53-55 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments with respect to claims 1-9, 11-27, 50-51, 53-55 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamson D. Nguyen whose telephone number is 571-272-2259. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on 571-272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2861

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lamson D Nguyen/
Primary Examiner, Art Unit 2861